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OCT 06 2005

PATENT

Attorney Docket No. 74120-301395

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b> James D. O'BRIEN, JR. et al.	
<b>Application No.:</b> 09/878,572	<b>Examiner:</b> Chi Ho A. Lee
<b>Filed:</b> June 11, 2001	<b>Art Unit:</b> 2663
<b>For:</b> VOICE OVER INTERNET PROTOCOL REAL TIME PROTOCOL ROUTING	<b>Confirmation No.:</b> 3299

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

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*Alicia Espinoza* 10/6/05  
Signature Date

**DECLARATION UNDER 37 CFR § 1.131**

As a below named inventor, I hereby declare that:

1. I, Elliott Eichen, residing at 41 Mary Street, Arlington, Massachusetts 02474, am an inventor of a patent application entitled "Voice Over Internet Protocol Real Time Protocol Routing", and filed as U.S. Patent Application No. 09/878,572 on June 11, 2001 (hereinafter "the Application").

2. The subject matter implemented is more fully described in "VoIP RTP Routing" version 0.2 (attached hereto as Exhibit A) on which I am listed as an Author/Contributor (hereinafter "the Document"). The Document sets forth the invention consistent with that claimed in the Application.

3. In particular, the Document sets forth, *inter alia*, an approach for performing VoIP routing that includes "controlling call signaling and media . . . flow between an originating and terminating VoIP endpoint such that packets carrying media in a VoIP call are forced through network elements of a given IP address." This sets forth at least a species of the generic idea(s) presented in claim 1 of the Application.

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4. The Document also sets forth, *inter alia*, “[t]he overall idea for controlling RTP routing [that] combines the ideas of a call signaling proxy and a call media proxy server . . . [that may include a] signaling proxy receiv[ing] call signaling information from a originating voip endpoint and relay[ing] call signaling information from that endpoint to the correct destination endpoint . . .” This sets forth at least a species of the generic idea(s) presented in claims 2 through 5 of the Application.

5. The Document additionally sets forth, *inter alia*, that the aforementioned media proxy server may include “a list of static or dynamic virtual IP addresses that represent media endpoints, gateways, [or] other media proxies.” This sets forth at least a species of the generic idea(s) presented in claims 11, 12, 21 and 23 through 25 of the Application.

6. Continuing with the Document, the aforementioned “virtual addresses [may be] used, by the call signaling proxy to direct the originating media endpoint to use the RTP media proxy service once it has determined which endpoint will handle the call. The originating voip endpoint then streams it’s media to the media proxy.” This sets forth at least a species of the generic idea(s) presented in claims 6 and 7 of the Application.

7. In some cases, as set forth in the Document, “the media proxy and the signaling proxy use the . . . Network Address Translation method . . . to replace their own IP address with the address of the ‘next hop’.” In some instances the next hop may be a terminating VoIP network endpoint. This sets forth at least a species of the generic idea(s) presented in claims 8 through 10, and 26 through 27 of the Application.

8. In various cases, as set forth in the Document, “network address translation . . . can be used to hide the terminating VoIP gateway’s address from the call originator, and similarly hide the call originator’s VoIP gateway address from the call terminator.” This sets forth at least a species of the generic idea(s) presented in claims 13 and 14 of the Application.

9. The Document also sets forth, *inter alia*, that “[o]riginating voip endpoints can select a call signaling and media proxies that will provide the best quality of service for their

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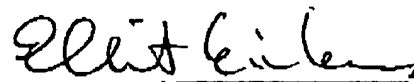
calls by testing the quality of the network connection from their point of presence to each of the call signaling and media proxies. . . . This process could use a series of pings, trace routes, or other messages to each of the media server to judge which represented the closest, or shortest path, or which had the most reliable connection." This sets forth at least a species of the generic idea(s) presented in claims 15 through 18 of the Application.

10. Again, the Document sets forth, *inter alia*, "[t]he overall idea for controlling RTP routing [that] combines the ideas of a call signaling proxy and a call media proxy server . . . [that may include a] signaling proxy receiv[ing] call signaling information from a originating voip endpoint and relay[ing] call signaling information from that endpoint to the correct destination endpoint . . ." In addition, utilizing a virtual address, "the call signaling proxy . . . direct[s] the originating media endpoint to use the RTP media proxy service . . . [and] [t]he originating voip endpoint then streams it's media to the media proxy." This sets forth at least a species of the generic idea(s) presented in claims 19, 20 and 22 of the Application.

11. Upon information and belief, the subject matter of the Application was conceived of and reduced to practice at least as early as November 3, 2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 10/2/05



Elliot Eichen

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1. I, James D. O'Brien Jr., residing at 98 Mount Vernon Road E, Weymouth, Massachusetts 02189, am an inventor of a patent application entitled "Voice Over Internet Protocol Real Time Protocol Routing", and filed as U.S. Patent Application No. 09/878,572 on June 11, 2001 (hereinafter "the Application").

2. The subject matter implemented is more fully described in "VoIP RTP Routing" version 0.2 (attached hereto as Exhibit A) on which I am listed as an Author/Contributor (hereinafter "the Document"). The Document sets forth the invention consistent with that claimed in the Application.

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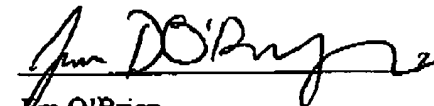
calls by testing the quality of the network connection from their point of presence to each of the call signaling and media proxies. . . . This process could use a series of pings, trace routes, or other messages to each of the media server to judge which represented the closest, or shortest path, or which had the most reliable connection." This sets forth at least a species of the generic idea(s) presented in claims 15 through 18 of the Application.

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Dated: 7/29/2005

  
Jim O'Brien